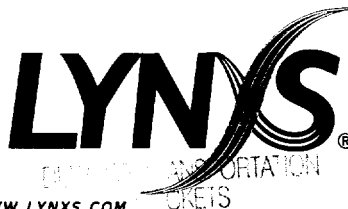


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December 23, 2003

RSPA-03-16456-4

Mr. Robert A. McGuire
Associate Administrator for Hazardous
Materials Safety
U.S. Department of Transportation
Research and Special Programs Administration
400 Seventh Street, S.W.
Washington, DC 20590-0001

Via First Class Mail (in triplicate) and

Re: Houston, Texas Requirements on Storage of Hazardous Materials
During Transportation (Docket No. RSPA-03-16456 (PDA-30(R)))

Dear Mr. McGuire:

IAH Air Cargo L.P., dba. "Lynxs Houston CargoPort" submits these comments in support of the Application by Soci  t   Air France (the "Applicant" or "Application") for an administrative determination of whether federal hazardous material transportation law preempts certain requirements contained in the Fire Code of the City of Houston, Texas, relating to the incidental storage of hazardous materials during transportation. We believe that the RSPA should preempt local requirements which were imposed upon the project after the buildings were built.

HISTORY

The Lynxs Houston CargoPort is one of three new air cargo facilities which were built in the new "Eastside Cargo Complex" on Lee Road, at the George Bush Houston Intercontinental Airport in 2002. We are the landlords of Air France in the building that was subject to redefinition of the rules for handling hazardous materials by the Houston Fire Marshall. The Eastside Cargo Complex was bid and built by three separate air cargo facilities developers, all with national experience in air cargo design and development. During the three years prior to actual construction the subject of hazardous materials transportation on premises did come up several times and is reflected in at least one meeting's official minutes. The overwhelming opinion of all of the building developers and airlines who would occupy these buildings was that the handling standards which had been issued by DOT and might be considered by same, were fair, adequate and appropriate for proper transport of various types of goods that might be coming through the buildings on their way to and from the aircraft.

Nevertheless, in January 2003, we were informed that new standards would be imposed by the Houston Fire Marshall based on his own evaluation of the situations of two of our tenants, one of which was Air France. We worked closely with Air France personel, a hazardous materials consultant and the Fire Marshall to find a solution that would allow the tenants to occupy and operate in the building, but made it very clear that we did not agree with either the Fire Marshall's jurisdiction or conclusions in this matter. We did install specialized hazardous materials lockers outside of the buildings for storage of certain in-transit goods.

POSITION

We believe that the use of these lockers actual inhibits the free flow of materials to and from the aircraft and create extra handling of materials in some cases. While we do believe that the lockers provide effective protections, they are not consistent with the transportation mode our buildings were designed to facilitate- fast flow-through air cargo. Therefore, the Houston Fire Marshall's ruling on hazardous materials in the Air France space, as well as other similar spaces at the George Bush Houston Intercontinental Airport is not consistent with our understanding of RSPA design intentions in the case of air cargo facilities. We therefore urge that the Fire Marshall's ruling be preempted.

Thank you for your consideration of our position. Please contact me if I can be of further assistance.

Sincerely,



Raymond J. Brimble

as Manager, IAH Air Cargo L.P. dba "Lynxs Houston CargoPort"